IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:17CV39

MARY K. KNOWLES,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of Social Security, Defendant.)	
)	
)	
)	

This matter is before the Court on Plaintiff's Motion for Attorneys Fee and Costs Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (# 20). Plaintiff's motion must be denied for at least two reasons. First, Plaintiff's motion must be denied because a brief in support of the motion was not filed. See LCvR 7.1(c) ("A brief must be filed contemporaneously with the motion[.]"). Second, Plaintiff's counsel failed to demonstrate that she adequately conferred with opposing counsel. See LCvR 7.1(b) ("Civil motions must show that counsel have conferred and attempted in good faith to resolve areas of disagreement, or describe the timely attempts of the movant to confer with opposing counsel."). In particular, Plaintiff's counsel represents that she is "currently consulting with opposing counsel." Pl.'s Mot. (# 20) at 2 (emphasis added).

Plaintiff's counsel is ADVISED that her filing of the instant motion prior to getting opposing counsel's position defeats the Court's purpose behind the enactment LCvR 7.1(b), which was to allow the parties to resolve those issues that can be resolved without

intervention from the Court. Consequently, Plaintiff's Motion for Attorneys Fee and Costs Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (# 20) is DENIED without prejudice to renew.

Signed: June 20, 2018

Dennis L. Howell

United States Magistrate Judge